

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of AMIE BOURGERE and U.S. POSTAL SERVICE,
POST OFFICE, Houston, Tex.

*Docket No. 96-1644; Submitted on the Record;
Issued May 8, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof in establishing that she developed carpal tunnel syndrome due to factors of her federal employment.

The Board has duly reviewed the case on appeal and finds that appellant has not met her burden of proof in establishing that she developed carpal tunnel syndrome due to factors of her federal employment.

Appellant filed a notice of occupational disease on August 14, 1995 alleging that she had developed carpal tunnel syndrome due to her federal employment. In support of her claim, appellant submitted a medical note dated August 8, 1995 from Dr. R. Boyle.¹ Dr. Boyle noted appellant's complaints of right wrist and hand pain and that appellant noted the pain more when using the broom during her duties as a custodian. He found appellant's right wrist had full range of motion, a positive Phalen's sign and a negative Tinel's sign. Dr. Boyle diagnosed carpal tunnel syndrome. He completed a work release note on August 8, 1995 and indicated appellant could return to work on August 9, 1995.

The Office of Workers' Compensation Programs requested additional factual and medical evidence from appellant by letter dated October 20, 1995. Appellant did not respond² and by decision dated November 20, 1995, the Office found that appellant had failed to submit sufficient medical evidence to establish that her diagnosed condition was causally related to her employment duties.

¹ Dr. Boyle is not listed in the physician's reference guides.

² The Board notes that appellant submitted additional new evidence to the Office following the November 20, 1995 decision. As the Office did not consider this evidence in reaching a final decision, the Board may not review it for the first time on appeal; *see* 20 C.F.R. § 501.2(c).

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant. The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete factual and medical background, showing a causal relationship between the claimed condition and identified factors. The belief of a claimant that a condition was caused or aggravated by the employment is not sufficient to establish causal relation.³

Dr. Boyle's reports provide a diagnosis of right carpal tunnel syndrome and indicate that he was aware that appellant's federal duties included sweeping. However, Dr. Boyle did not offer an opinion on the causal relationship between appellant's employment duties and her diagnosed condition. Therefore, his report is not sufficient to meet appellant's burden of proof.

As appellant has failed to submit the necessary medical opinion evidence establishing a causal relationship between her diagnosed condition and factors of her federal employment, appellant has failed to meet her burden of proof and the Office properly denied her claim.

The decision of the Office of Workers' Compensation Programs dated November 20, 1995 is hereby affirmed.

Dated, Washington, D.C.
May 8, 1998

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

³ *Lourdes Harris*, 45 ECAB 545, 547 (1994).